

Remarks/Arguments

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the enclosed terminal disclaimer, amendments to the claims, and the following remarks.

B. Terminal Disclaimer

The Examiner stated that the terminal disclaimer in regards to co-pending Application No. 10/599,075 does not comply with 37 CFR 1.321(b) and/or 37 CFR 1.321(c) because the instant case number and filing date were incorrect.

Attached hereto is a terminal disclaimer that now correctly identifies the instant application number and application date. Should a fee be necessary for filing the revised terminal disclaimer, please debit our account number 02-2275.

C. Double Patenting

Claims 1-6, 8 and 10 had been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/599,075.

Attached hereto is a terminal disclaimer to overcome the provisional nonstatutory obviousness-type double patenting rejection. As noted above, the terminal disclaimer

now correctly identifies the instant application number and application date. Should a fee be necessary for filing the terminal disclaimer, please debit our account number 02-2275.

D. Claim Status and Comments

Claims 1-6, 8 and 10 are pending. Claim 1 has been amended herein to provide further structural definition for the claimed invention. The amendments to claim 1 will be discussed further below.

E. Claim Rejections – 35 U.S.C. § 103

Claims 1-6, 8 and 10 had been rejected as being unpatentable over Chambert (U.S. Patent Pub. 2001/036329) in view of Kretzer (DE 31 17 128).

Claim 1 of the presently claimed invention has been amended to further describe and define the structural characteristics of the cage.

The presently claimed invention, as shown in Figure 1, discloses a side rim (9), which has a uniform radial thickness. Unlike the presently claimed invention, Chambert does not disclose a side rim with a uniform thickness. As shown in Figure 2 of Chambert, the closing ring (8) of the cage (7) contains circular cutouts (8a). The circular cutouts allow the surface of the balls (6) to overflow, or extend beyond, the front face. (see, Chambert para. [0029]). Thus, unlike the presently claimed invention, Chambert does not disclose a side rim that has a uniform radial thickness.

Additionally, the presently claimed invention discloses retaining lugs (10) protruding at a linearly inclined angle from the webs (8) that widen toward a unitary end (12) and are adjacent to each other on the circumferential side. Chambert, unlike the

presently claimed invention does not disclose retaining lugs with a structural configuration as disclosed in the presently claimed invention. As shown in Figure 2 of Chambert, the holding clips (13) have a surface that curves toward a circumferential side and, thus, the surface of the holding clips is not linear. Also, the holding clips of Chambert do not widen toward a unitary end. Rather, the holding clips appear to have a uniform width. Thus, unlike the presently claimed invention, Chambert does not disclose retaining lugs protruding at a linearly inclined angle from the webs, which lugs widen toward a unitary end and are adjacent to each other on the circumferential side.

Moreover, the presently claimed invention discloses flanks which extend linearly, pointing in opposite directions on the circumferential side of the cage, and that are linearly inclined toward one another. As shown in Figure 2 of Chambert, the regions of the holding clips that are defined as flanks in the presently claimed invention are clearly curved and not linear.

As noted by the Examiner, Chambert does not disclose lugs that have flanks that are inclined toward one another. The Examiner stated that Kretzer discloses teaches retaining lugs (8) that have flanks which are inclined towards one another. Again, Applicants note the retaining lugs of Kretzer are formed as split structures, which are curved inward. (see, Kretzer Fig. 3). The retaining lugs (10), as defined in claim 1 of the presently claimed invention, protrude at a linearly inclined angle from the webs (8), widening toward a unitary end (12) and are adjacent to each other on the circumferential side. (see, Figs. 1 & 2). The retaining lugs of Kretzer are not linear structures with a unitary end; the retaining lugs of Kretzer are split structures that are curved and have more than one end since they are split. Thus, the retaining lugs and the “flanks” of the

presently claimed invention are distinguishable from the retaining lugs and flanks of Kretzer and, therefore, Kretzer does not cure the deficiencies of Chambert.

Thus, in view of the above discussion, the presently claimed invention is patentable over Chambert in view of Kretzer.

Claims 2-6, 8 and 10 are dependent upon claim 1. As discussed above, claim 1 is patentable over Chambert in view of Kretzer. Therefore, since claims 2-6, 8 and 10 are dependent upon claim 1, claims 2-6, 8 and 10 are also patentable over Chambert in view of Kretzer.

F. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



Klaus P. Stoffel, Reg. No. 31,668

Attorney for Applicant(s)

475 Park Avenue South, 15th Floor

New York, New York 10016

Tel. 212-661-8000 Fax (212) 661-8002

KPS/JRW/mr/ns